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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,857	07/22/2003	Glen J. Anderson	P1917US00	6519

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GATEWAY, INC.
ATTN: Patent Attorney
610 GATEWAY DRIVE
MAIL DROP Y-04
N. SIOUX CITY, SD 57049

EXAMINER	
JUNG, DAVID YIUK	
ART UNIT	PAPER NUMBER
2134	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/624,857	ANDERSON, GLEN J.	
	Examiner	Art Unit	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *2/14/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-29 are presented.

Response to arguments and Discussion of how claims may eventually be amended.

Applicant's arguments filed have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., special meanings of authentication code, associated, diagnostic code, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant has argued regarding the "diagnostic code" and "authentication code." Applicant's arguments clearly show assumptions regarding "diagnostic code" and "authentication code." These assumptions are not reflected in the claim language itself. For example, Applicant argues that these diagnostic codes and authentication codes have such special properties when "associated." What is "associated"? Applicant seems to mean more than the typical meaning of this word "associated." For example, Burnstein clearly teaches authentication. Authentication leads to access to previously unaccessible data. What is more natural than this? Yet, Applicant seems to mean

more than this by insisting that "associated" requires more than this. As for diagnostic code, this concept is taught by DRM itself. Thus, a reasonable combination of DRM and Burnstein is the currently claimed invention.

Two other issues are genuinely puzzling and any resolution of either issue may perhaps expedite prosecution. First, Applicant (in the Remarks) mentions a "primary" reference. The patent law no longer recognizes any significance of a "primary" reference. Nevertheless, Applicant may have meant to communicate something that the Examiner has missed. Applicant is respectfully requested to make known (if any) particular meaning attached to the concept of "primary" reference – preferably before the prosecution is no longer ex parte with the Examiner, i.e., at the Board of Appeals. Second, Applicant has cited passages of Burnstein that cannot and would not be physically combined with DRM. At no time, the Examiner has indicated that the rejection was based on a physical combination (e.g., lock into an attaching hook, plug into an electrical outlet, etc.) of Burnstein and DRM. In the art of the references and of the Applicant, no one thinks in terms of physical combination. Instead, Applicant may know of reasons why the concepts of Burnstein and the concepts of DRM would not be combined so as to produce the claimed invention. In the process of providing such reasons, Applicant may end up amending the claims so as to put more limiting terms in the sense of the Applicant's attempted arguments themselves. If so, Applicant may be providing reasons that permit USPTO to issue a patent.

For examples:

(1) what is a diagnostic code? Is this a code which diagnoses the component of the computer? An adjective of "diagnostic" does not narrow the meaning even to such a code. The adjective "diagnostic" does not necessarily distinguish between (a) a code that is associated with a diagnosis and (b) a code that diagnoses the component for errors in operation and (c) a code that diagnoses the computer system for errors in operation and (d) a code that is a by-product of a diagnosis and (e) a code that happens to share a computer system with other code that conducts diagnosis and (f) many other types of codes.

(2) what is “associating”? Associating can mean many things such as (a) attached, i.e., linked during or before or after compiling of code (b) functional attachment, i.e., a code needing another code for functioning -- e.g., function calls, class overloading which needs another class for correct referencing, etc. (c) or more likely in this application, something entirely different meaning.

(3) what is an authentication code? What does it authenticate? Is this a code which authenticates a component of the computer as being legitimately obtained by the user? An adjective of "diagnostic" does not narrow the meaning even to such a code. The adjective "diagnostic" does not necessarily distinguish between many meanings.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnstein (Burnstein et al., US Patent 7,076,541) and DRM (www.reed-electronics.comlsemiconductorlarticlelCA231640).

Regarding claim 1, DRM teaches "A computerized method for authenticating a diagnostic code, the method comprising:

receiving a diagnostic code for a component of a computer system generated by a computer system (DRM section "Defining E-Diagnostics and DRM", i.e., e-diagnostics ....via network).

DRM does not teach "generating an authentication code associated with the diagnostic code."

Burnstein teaches "generating an authentication code for the generated diagnostic code (column 10, line 24 to column11, line 26, i.e., authentication such as by using start screen and domain manager) associating the authenticating code with diagnostic code for the component of the computer system (column 14, line 61 to column 15, line 67; figure 4; claims 15,16 of Burnstein i.e. diagnostic tools used after authentication permits the use of diagnostic tools)" for the motivation of permitting an

agent to register and manage a plurality of domain names for a plurality of different registrants (column 3, lines 5-60) thereby including the use of diagnostics (for management) upon proper authentication (such as would be necessary for an agent).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Burnstein and DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 3 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data. Regarding claims 4-8, such particular features are well known in the art for the purpose of security.

Regarding claim 9, Burnstein teaches "A computerized system for authenticating a diagnostic code, the system comprising:

a diagnostic module on a computer system operable to perform a diagnostic on a component of the computer system and to generate a diagnostic code by the performance of the diagnostic (section "Defining E-Diagnostics and Burnstein", i.e., e-diagnostics, … via network); and

an authentication code generation module on the computer system operable to generate an authentication … associated with the diagnostic code in response to the generation of the diagnostic code by the diagnostic module (section "Burnstein

enterprise server", subsection "authentication", i.e., the user privilege is associated with the authentication for authorization, thereby the e-diagnostic is associated with the authorization)."

These passages of Burnstein do not explicitly mention "code" in the sense of the claim.

Nevertheless, it was well known in the art to have a "code" for the motivation of having a physical software program for actuating the authentication algorithm (the algorithm used in the code).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Burnstein for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 9-11 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 13 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data. Regarding claims 14, (use of server, etc.) such particular features are well known in the art for the purpose of security across computers.

Regarding claim 15, Burnstein teaches "A computerized method for authenticating a diagnostic code, the method comprising:

receiving a diagnostic code for a component of a computer system generated by a computer system (DRM section “Defining E-Diagnostics and DRM", i.e., e-diagnostics ....via network).

DRM does not teach “generating an authentication code associated with the diagnostic code.”

Burnstein teaches “generating an authentication code (column 10, line 24 to column11, line 26, i.e., authentication such as by using start screen and domain manager) in response to receiving the diagnostic code; and associating the authenticating code with the diagnostic code (column 14, line 61 to column 15, line 67; figure 4; claims 15,16 of Burnstein i.e. diagnostic tools used after authentication permits the use of diagnostic tools)” for the motivation of permitting an agent to register and manage a plurality of domain names for a plurality of different registrants (column 3, lines 5-60) thereby including the use of diagnostics (for management) upon proper authentication (such as would be necessary for an agent).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Burnstein and DRM for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 16 (authentication code using date value, etc.), such particular features are well known in the art for the purpose of security and for the purpose of keeping track of data.

Regarding claim 17 (authentication code using serial number, etc.), such particular features are well known in the art for the purpose of security and for the

purpose of keeping track of data. Regarding claims 18-29, such particular features are well known in the art for the purpose of security.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

/David Y Jung/

Acting Examiner of Art Unit 2134

David Jung

Patent Examiner

5/15/08